

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Appeal No. 799 of 2020

- Pappu alias Rameshwar Dansena, S/o Salik Ram Dansena, Aged about 21 years, R/o Kataipali "C", P.S. Chhal, Tahsil Dharamjaigarh, District Raigarh (C.G.)

---- Appellant

Versus

- State of Chhattisgarh Through Police Station Chhal, District Raigarh (C.G.)

---- Respondent/State

For Appellant	:	Ms. Madhunisha Singh, Advocate
For Respondent/State	:	Shri Dinesh Kumar Tiwari, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Judgment on Board

04.01.2021

1. This appeal by the accused/appellant under Section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 24.06.2020 passed by the Special Judge (Atrocities Act), Raigarh (C.G.) in Special Criminal Case under the Atrocities Act No. 21/2020, refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail since 30.05.2020 in connection with Crime No. 51/2020 for the offence punishable under Sections 376 & 506 of IPC; Section 6 of the Protection of Children from Sexual Offences Act and Section 3(2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station- Chhal, District Raigarh (C.G.).
2. Allegation against the appellant is that on the pretext of marriage and giving two acres of land to the prosecutrix/victim, he established physical relation with her and video of the same was recorded in his mobile phone.

3. Prosecutrix and her mother namely Anusuiya Khunte @ Satpura W/o Hari Khunte along with her counsel Shri Lalu Thakur appeared before this Court in person and they have no objection to grant of bail to the appellant by this Court.
4. Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. She further submits that the prosecutrix and the appellant were having sexual relation continuously since January 2018. She also submits that the appellant is in jail since 30.05.2020, he has no criminal antecedents, charge-sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the appellant be released on bail.
5. On the other hand, learned counsel for the State opposes the appeal.
6. I have heard learned counsel for the parties.
7. Considering the facts and circumstances of the case, the fact that the prosecutrix and the appellant were having sexual relation continuously since 2018, prosecutrix and her mother along with her counsel appeared before this Court in person and they have no objection to grant of bail to the appellant, the appellant is in jail since 30.05.2020 and that charge-sheet has already been filed, conclusion of the trial is likely to take some time, without expressing any opinion on the merits of the case, this Court is of the opinion that present is a fit case for grant of bail to the appellant. Accordingly, the appeal is allowed and the impugned order is set aside.
8. It is directed that in the event of appellant executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-
 - i. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

- ii. He shall not act in any manner which will be prejudicial to fair and expeditious trial.
- iii. He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
- iv. He shall not involve himself in any offence of similar nature in future.

Sd/-
(Gautam Chourdiya)
Judge

vatti